

CITY COUNCIL OF THE CITY OF SEAT PLEASANT, MARYLAND

Ordinance No.: O-19-10
Introduced by: City Council
Date Introduced: March 11, 2019
First Reading: March 11, 2019
Second Reading: April 1, 2019
Date Adopted: April 1, 2019
Date Effective: April 29, 2019

AN ORDINANCE concerning

CHAPTER 137 – STREETS AND SIDEWALKS

FOR the purpose of amending Chapter 137 – Streets and Sidewalks of the Code of the City of Seat Pleasant for the purposes of correcting outdated and/or inaccurate language regarding the City Council’s intentions and the City’s actual practices and administration with respect to streets and sidewalks in the City; providing that the title of this Ordinance shall be deemed a fair summary; and generally relating to the streets and sidewalks within the City of Seat Pleasant.

BY amending Chapter 137 – Streets and Sidewalks
§§ 137-7, 137-8, 137-10, 137-13, 137-14, 137-17, 137-24, 137-25, 137-27 through
137-31, and 137-36 through 137-38 Code of the City of Seat Pleasant (1994 Edition, as amended)

WHEREAS, pursuant to Md. Code Ann., Local Gov’t § 5-202, the City Council of the City of Seat Pleasant (the “City Council”), as the legislative body for the City of Seat Pleasant (the “City”), is authorized to adopt ordinances to assure the good government of the City, protect and preserve the City’s rights, property, and privileges, preserve peace and good order, secure persons and property from danger and destruction, and protect the health, comfort, and convenience of the residents of the City; and

WHEREAS, pursuant to § C-1002 of the Charter of the City of Seat Pleasant (the “Charter”), the City Council may do whatever it deems necessary to establish, operate, and maintain in good condition the public ways of the City; and

WHEREAS, pursuant to § C-1004 of the Charter, the City Council may regulate sidewalks in the City; and

WHEREAS, Chapter 137 – Streets and Sidewalks of the Code of the City of Seat Pleasant (the “Code”) contains several references to “the City Engineer,” “the Mayor and Council,” and certain other terms that are outdated and/or inaccurate regarding the City Council’s intentions and the City’s actual practices and administration with respect to streets and sidewalks in the City; and

WHEREAS, the City Council desires to amend Chapter 137 – Streets and Sidewalks, §§ 137-7, 137-8, 137-10, 137-13, 137-14, 137-17, 137-24, 137-25, 137-27 through 137-31, and 137-36 through 137-38 of the Code of the City of Seat Pleasant for the purpose of correcting such outdated and/or inaccurate language; and

WHEREAS, the City Council deems it in the interest of the public health, welfare and safety of the citizens of the City of Seat Pleasant, and for the good government of the City of Seat Pleasant, to enact this Ordinance and to take the actions as described herein.

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEAT PLEASANT that Chapter 137 – Streets and Sidewalks, §§ 137-7, 137-8, 137-10, 137-13, 137-14, 137-17, 137-24, 137-25, 137-27 through 137-31, and 137-36 through 137-38 of the Code of the City of Seat Pleasant (1994 Edition, as amended) be and they are hereby are amended to read as follows:

ARTICLE I General Regulations

§ 137-7. Earth, ashes, gravel or other substances.

It shall be unlawful to place or cause to be placed any earth, ashes, gravel or other substance upon the improved driveways, pavements, avenues or alleys within the City without first obtaining a permit from the ((Public Works Director)) Neighborhood Commercial Compliance Inspector.

§ 137-8. Obstructions; abatement.

It shall be unlawful for any person or persons to erect or maintain any building or obstruction in or upon any alley, street or highway within the corporate limits of the City, and whoever shall fail to remove or abate the same after notice from a City Police Officer or the Neighborhood Commercial Compliance (NCC) to do so shall, upon conviction thereof, be guilty of a misdemeanor. Each day such obstruction shall be permitted to exist after said notice is given shall constitute a separate offense and violation hereof.

§ 137-10. Storage of materials in streets.

- A. It shall be unlawful for any contractor or any employees of any contractor or any other person to use the streets, roads or sidewalks within the City to store or place materials

thereon without a permit from the ((Public Works Director)) Neighborhood Commercial Compliance Inspector for the right to use the street, road or highway in such manner.

- B. Every person using a street, road or highway within the City to store or place materials thereon shall exhibit or display one or more red lanterns, barriers, etc., as necessary, at night, placed thereon in such manner as to warn the public of the obstruction of the road, highway or sidewalk and to show distinctly the unobstructed passageway remaining in the road, highway or sidewalk.

§ 137-13. Interfering with public lamps or streetlights.

It shall be unlawful for any person without permission of the ((Mayor and Council)) Public Works Director to extinguish, break, damage or obstruct the light in any public lamp or streetlight in said City.

§ 137-14. Deposit of liquids on sidewalk or streets.

It shall be unlawful for any person to pour, spill or permit to drip upon any sidewalk or street within the City any hazardous material including, but not limited to kerosene, gasoline, benzine or any similar oil or oily substance or liquid.

§ 137-17. Commercial use of parkings.

It shall be unlawful to use the parkings or sidewalks within the City for business purposes or to place material thereon without a permit from the ((Public Works Director)) Neighborhood Commercial Compliance (NCC) ~~so to do~~.

**ARTICLE II
Construction and Alterations**

§ 137-24. Standards for issuance of permit.

- A. UNCHANGED
- B. The ((Public Works Director)) Neighborhood Commercial Compliance (NCC) may issue a permit only after the application has been approved by the City Council, to whom it shall be forwarded by the Public Works Director within 10 days after receipt thereof and after obtaining the written recommendations of the Public Works Director.

§ 137-25. Supervision and control.

All construction or alteration work for which a permit is granted hereunder shall be under the control of the ((City Engineer)) Public Works Director ((or through his/her authorized representative)). The ((Public Works Director)) NCC Inspector or the City Council shall have the authority to cause all operations for which a permit is granted hereunder to cease when the permittee fails to comply with one or more of the requirements as specified under § 137-24 above. Upon failure of the permittee to correct deficient work within 30 days of receipt of notice to do so, the Public Works Director or the City Council may order the work appropriately revised and the costs thereof recovered from the permittee and/or his/her surety.

§ 137-27. Issuance of permits.

- A. PRIOR TO COMMENCING ANY CONSTRUCTION OR ALTERATION WORK, THE PERMITTEE SHALL PROVIDE A COPY OF THE PRINCE GEORGE'S COUNTY STAMPED APPROVED CONSTRUCTION DRAWINGS AND CONTY PERMIT.
- B. The construction or alteration work, materials, plans and specifications shall at all times be open to and available for inspection and testing by the ((Public Works Director)) NCC Inspector or his/her duly authorized representative. Permittees shall give notice to the ((Public Works Director)) NCC Inspector at least 48 hours prior to commencing any construction or alteration for which the permit has been issued, if the starting date varies by more than two calendar days from the starting date shown on the approved application.
- ~~B. No permit shall be issued for new construction unless the preliminary plat has been approved by the ((City Engineer)) Public Works Director and the right-of-way has been or is intended to be dedicated or otherwise acquired for public use.~~
- ~~C. Upon a finding by the ((City Engineer)) Public Works Director that these standard specifications are not feasible, practicable or complete for a particular project, alternate or additional standard specifications in accordance with good engineering principles, as may be deemed necessary, may be required, and such alternate or additional requirements shall be part of and a condition of the permit.~~
- ~~D. If any design for anticipated work covered by the application requires approval by any regional planning commission or any lawfully established sanitary commission, the ((City Engineer)) Public Works Director will request such approval and obtain it before his/her review and approval of said design.~~
- ((E.)) C. If after review of the application it appears to the ((Public Works Director)) NCC Inspector that the proposed work conforms with all requirements, he/she shall notify the City Council or their designee that the application has been "approved for issuance." The notice shall state the amount of permit fee and the amount of bond to be required as determined by law.

- ((F)) D. If the application as submitted is not approved or is granted conditional approval, the ((Public Works Director)) NCC Inspector will notify the applicant of the objections so that he/she may amend his/her application.
- ((G)) E. The ((Public Works Director)) shall, upon receipt of the appropriately revised application, issue a permit for the work to be covered by the application, provided that the revised application is submitted within six months after notice of conditional approval.
- ((H)) F. When a permit has been issued, work thereunder must be commenced within 60 days and thereafter be continued to conclusion of all work covered. Upon showing a reasonable necessity, the ((Public Works Director)) NCC Inspector may extend the expiration date of a permit without payment of additional fee. A permit shall automatically expire one year after its issuance unless extended, in writing, by the ((Public Works Director)) NCC Inspector, stating the reason for extension. No extension shall be granted unless the bond filed with the permit by its terms continues in full force and effect or a new bond is filed.

§ 137-29. Inspections.

- A. Inspection services will be maintained by the ((Public Works Director)) NCC Inspector to assure compliance with the permit.
- B. In the event that there is an interruption of the work for a period of more than five days, the permittee shall notify the ((Public Works Director)) NCC Inspector at the end of each interruption of his/her intent actively to resume operations.

§ 137-30. Approval and acceptance.

- A. Final approval of construction work under any permit shall be given ~~by the City Council~~ after a field inspection by the ((Public Works Director)) NCC Inspector that the work conforms in all respects with the specifications and includes all work required thereby.
- B. ~~Final approval shall be certified to the ((Mayor and)) City Council by the ((City Engineer)) Public Works Director, and no application for acceptance into the City street system shall be necessary, and the ((City Engineer's)) Public Works Director's certification to the ((Mayor and)) City Council of final approval of the work shall constitute a recommendation for acceptance. Actual acceptance into the City's street system for perpetual maintenance shall be only by order of the ((Mayor and)) City Council in each individual case and after approval of the final plat and its recordation among the land records of Prince George's County.~~
- C. ~~Final approval of a part (less than all) of the work covered by a permit may be requested and given, and such approval may be accepted by the ((Mayor and)) City Council, but no bond shall be released before all work called for by the permit is completed.~~

§ 137-31. Design, construction and alteration standards.

- A. UNCHANGED
- B. UNCHANGED
- C. UNCHANGED
- D. UNCHANGED
- E. Where there is insufficient right-of-way to construct a full-width street, a partial street of a minimum width of 20 feet of finished paving may be constructed on a temporary basis, provided that protective shoulders or temporary curbing and adequate drainage are installed in accordance with such requirements as ~~the City Council Prince George's County~~ may deem necessary. ~~and that necessary action is initiated for dedicating or acquiring the additional land necessary to accommodate the construction of a full-width street.~~
- F. UNCHANGED
- G. UNCHANGED
- H. UNCHANGED

**ARTICLE III
Snow Removal**

§ 137-36. Notification of noncompliance.

It shall be the duty of the ((police officer on duty)) NCC Inspector to ascertain whether the public sidewalks have been cleared of snow and ice as provided in this section. He/she shall promptly notify the ((City Administrator)) Chief Operating Officer Public Works Director of all parcels with respect to which the provisions of this section have not been complied with.

§ 137-37. Removal by City.

The ((City Administrator)) Chief Operating Officer or Public Works Director shall direct the removal or treatment of snow and ice, as provided in this section, from the portions of the public sidewalk with respect to which this section has not been complied with and shall notify the ((City Clerk)) Chief Financial Officer of the expense incurred determined by the amount of labor and materials used.

§ 137-38. Costs of removal.

The ((City Clerk)) NCC Inspector shall promptly present to the owner or occupant of each parcel a bill for the removal or treatment of snow and ice, as certified by the ((City Administrator)) Chief Operating Officer. If not paid within 30 days, the costs thereof shall be assessed against the property and become a lien thereon, collectible in the same manner as delinquent City taxes.

SECTION 2. AND BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEAT PLEASANT that the Recitals to this Ordinance are incorporated herein and deemed a substantive part of this Ordinance.

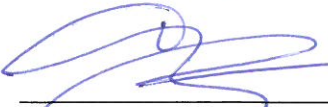
SECTION 3. AND BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEAT PLEASANT that all other ordinances or parts of ordinances or provisions of the Code of the City of Seat Pleasant (1994 Edition, as amended) in conflict with the provisions of this Ordinance or the property maintenance code adopted by this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. AND BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEAT PLEASANT that the title of this Ordinance, or a condensed version thereof, shall be deemed to be, and is, a fair summary of this Ordinance for publication and all other purposes.


SECTION 5. AND BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEAT PLEASANT that, if any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance, it being the intent of the City Council that this Ordinance shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase or portion hereof.

SECTION 6. AND BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEAT PLEASANT that the City Clerk shall certify to the adoption of this ordinance, and cause the same or, to the extent permitted by the Charter, a fair summary of the same, to be published as required by law, and that this Ordinance shall become effective at the expiration of twenty (20) days following approval by the Mayor or passage by the City Council over the Mayor's veto.

THE CITY COUNCIL OF THE CITY OF SEAT PLEASANT

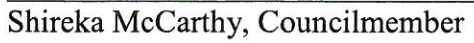


Charl Jones, Councilmember



Hope Love, Councilmember


Lamar Maxwell, Councilmember

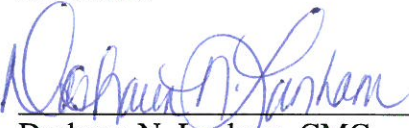

Shireka McCarthy, Councilmember


Kelly Porter, Councilmember


Gloria L. Sistrunk, Councilmember

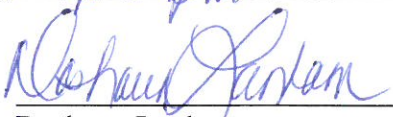

Reveral L. Yeargin, Councilmember

ATTEST:


Dashaun N. Lanham, CMC
City Clerk

APPROVED:

This Ordinance was presented to the Mayor for his approval or disapproval pursuant to Section C-313 of the Charter for Seat Pleasant this 14th April, 2019.


Dashaun Lanham
City Clerk

In accordance with Section C-313 of the Charter for Seat Pleasant, I hereby (APPROVE) ~~(DISAPPROVE)~~ of this Ordinance this April 1, 2019.


Eugene W. Grant, Mayor

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

((Double Parenthesis)) indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike Out~~ indicates matter stricken from bill by amendment or

deleted from the law by amendment.